REQUEST FOR RECONSIDERATION

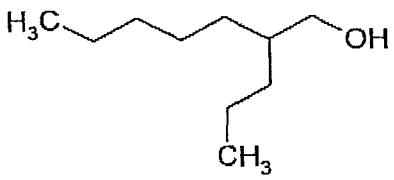
Claims 1-2 and 5-10 are active.

The claimed invention provides an alkoxylate mixture comprising the alkoxylates of the formula (I)

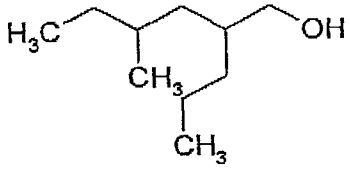
$$C_5H_{11}CH(C_3H_7)CH_2O(B)_p(A)_n(B)_m(A)_qH \qquad (I)$$

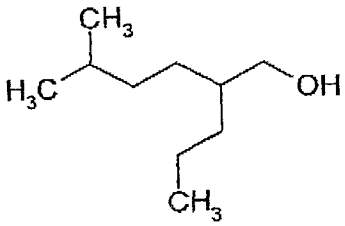
as described in Claim 1 of the present application. In the mixture, from 85 to 96% by weight is an alkoxylate A1, in which C_5H_{11} is n-C_5H_{11}, and from 4 to 15% by weight is an alkoxylate A2, in which C_5H_{11} is $C_2H_5CH(CH_3)CH_2$ and/or $CH_3CH(CH_3)CH_2CH_2$.

Accordingly, the claimed mixture contains an alkoxylates mixture of the following alcohol chemical structures:



A1





A2

Applicants have provided specific examples of alkoxylates according to the claimed invention based on an isomer mixture comprising 87% of 2-propylheptan-1-ol, 11% of 2-propyl-4-methylhexan-1-ol and < 1% of 2-propyl-5-methylhexan-1-ol (page 13).

Moreover, Applicants have described that the claimed isomer mixture must be specially prepared or combined (page 4, lines 27-30):

> The novel alkoxylate mixtures are obtained by alkoxylation of the parent alcohols $C_5H_{11}CH(C_3H_7)CH_2OH$. **The starting alcohols can be mixed from the individual components so that the novel ratio results.** (Bold added for emphasis)

The rejection of Claims 1-2 and 5-10 under 35 U.S.C. 103(a) over Dahlgren et al. (WO 94/11331)('331) in view of Dahlgren et al. (WO 94/11330)('330) and further in view of Clement et al. (WO 01/04183 A1) is respectfully traversed.

Dahlgren('331) is directed to a process for cleaning hard surfaces with a detergent comprising an alkoxylate selected from the group consisting of

$$C_5H_{11}CH(C_3H_7)CH_2O(C_2H_4O)_nH$$

and

$$C_5H_{11}CH(C_3H_7)CH_2O(C_2H_4O)_p(B)_rH.$$

This reference specifically describes 2-propylheptanol as the starting alcohol for alkoxylation (page 1, lines 24-29) and does not disclose or suggest an isomeric mixture as according to the claimed invention.

The Office has again alleged that (Official Action dated March 23, 2010, page 3, third paragraph) that it is well known that C5H11 usually occurs or is formed as a mixture of isomers and that the C5H11 portion of the compounds of Dahlgren et al. '331 would likely be such a mixture of isomers.

Applicants respectfully submit that such an assumption cannot reasonably be supported nor applied as support for a conclusion of obviousness. Applicants submit that as at the very least, one of ordinary in the art, Dahlgren is aware and knowledgeable of the significance of chain branching/chain length influence on the chemical properties of 2-

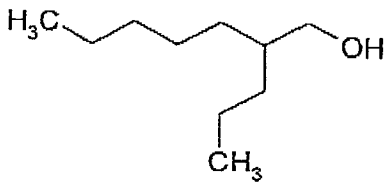
propylheptanol. Dahlgren is silent in description of an isomeric mixture, let alone the specific mixture according to the present invention and defines a specific chemical structure having a normal chain C5H11 component.

In contrast, the present invention describes a specific isomer mixture as described above.

The Office has cited "TheFreeDictionary" for the definition of *amyl* and showing the generic term as describing a mixture of isomers(Official Action dated March 23, 2010, page 3, paragraph beginning at line 15). However, Applicants note that the reference cited by the Office describes a mixture of **eight isomeric forms** and nowhere provides suggestion of or motivation leading to the specific isomer mixture according to the present invention.

The Office has further cited U.S. 4,969,953, U.S. 5,434,313 and U.S. 7,173,138 to show 'amyl" as a mixture of isomers. However, none of the cited references disclose or suggest the specific isomer mixture according to the claimed invention and none provide any motivation that would have led one of ordinary skill in the art to the claimed isomeric mixture at the time of the present invention.

Applicants again submit that one of ordinary skill in the art would understand that Dahlgren describes an alkoxylate obtained from the homogeneous alcohol represented by the formula:



Dahlgren('330) is also directed to an alkoxylate of the formula:

$$C_5H_{11}CH(C_3H_7)CH_2O(B)r\ (C_2H_4O)_pH$$

which is based on 2-propylheptanol. The secondary reference, like the primary is silent with respect to C5H11 isomers.

Clement is cited to show a double metal cyanide catalyst for alkoxidation. The tertiary reference does not disclose or suggest the alkoxylate mixture according to the claimed invention.

Applicants submit that the references cited by the Office in any combination fail to describe the claimed isomer composition and provide no guidance or motivation which would have led one of ordinary skill in the art to the claimed composition.

In view of all the above, Applicants respectfully submit that the cited combination of references does not disclose or suggest all the elements of the claimed invention nor is motivation which would have led one of ordinary skill in the art, at the time of the present invention to the composition according to the claimed invention, provided.

In a discussion of "Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*" the Office has stated:

> The rationale to support a conclusion that the claim would have been obvious is that **all the claimed elements were known in the prior art** and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention. ""**[I]t can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.**" **If any of these findings cannot be made, then this rationale cannot be used to support a conclusion that the claim would have been obvious to one of ordinary skill in the art,** (Federal Register, Vol. 72, No. 195, page 57529) (Bold added) (Citations omitted)

Therefore, in view of the foregoing, Applicants respectfully submit that the cited combination of references does not describe all the claimed elements and provides no motivation which would have led one of ordinary skill to the present invention and therefore, according to the above KSR guidelines above, cannot render the claimed invention obvious. Accordingly, withdrawal of the rejection of Claims 1-2 and 5-10 under 35 U.S.C. 103(a) over Dahlgren ('331) in view of Dahlgren ('330) and further in view of Clement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for allowance and early notice of such action is earnestly solicited.

Respectfully submitted,

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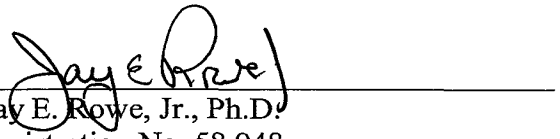
Norman F. Oblon



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